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EXAMINER				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/577,267

**Applicant(s)**

HAWKINS ET AL.

**Examiner**

PINKAL CHOKSHI

**Art Unit**

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 21-40 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/CDC)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to communications filed 09/30/2008. Claims 1-20 are cancelled. Claim 21-40 are new and pending.

***Response to Arguments***

2. Applicant's arguments filed 09/30/2008 have been fully considered but they are not persuasive and newly added claims are moot in view of the new ground(s) of rejection. See the new rejection below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 21-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2002/0194599 to Mountain (hereafter referenced as Mountain) in view of US Patent 6,763,522 to Kondo (hereafter referenced as Kondo).

Regarding **claim 21**, "a method for operating a television apparatus" reads on the method that provides next program information (abstract and ¶0008) disclosed by Mountain and represented in Fig. 2A.

As to "the method comprising steps of: tuning a channel" Mountain discloses (§0025) that user selects channel to watch.

As to "receiving updated program information from a broadcaster while said channel is tuned" Mountain discloses (§0022) that broadcast data receiver receives and processes television program data (EPG) for the selected channels.

As to "enabling display of said banner using said updated program information in response to determining that said banner is not currently displayed" Mountain discloses (§0023) that the message display is generated and indicates viewer that a new program can be viewed on the same channel as represented in Figs. 2A-2C.

Mountain meets all the limitations of the claim except "program information is received while channel is tuned." However, Kondo discloses (col.4, lines 25-40; col.7, lines 59-65) that once a channel has been selected, the current broadcasting information for that channel is received and stored the memory. As to "determining if a banner is currently displayed in response to receiving said updated program information" Kondo discloses (col.11, lines 7-9, 52-54) that the system checks to determine if the updated program information for the current tuned channel is present in transport stream and displays future programming information on the display. As to "updating said banner using said updated program information in response to determining that said banner is currently displayed" Kondo discloses (col.7, lines 46-48) that the tuner in receiver constantly receives and refreshes graphic panel for future events with newly

received program streams. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 22**, "the method wherein said banner includes information for a future program on said channel" Mountain discloses (§0008) that the receiver receives data for next program which is about to start as represented in Fig. 2A.

Regarding **claim 23**, "the method wherein said banner includes at least one of: a title of said future program, a starting time of said future program, and a duration of said future program" Mountain discloses (§0023) that the displaying information provided includes the program title, start time, channel number, etc. as represented in Figs. 2A-2C.

Regarding **claim 24**, "the method wherein said updated program information is received from said broadcaster without being requested by said television apparatus" Kondo discloses (col.12, lines 42-46) that the system automatically receives and updates program information in the receiver. Therefore, it would have been obvious to one of the ordinary skills in the art at

the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 25**, "the method wherein said updated program information includes an updated electronic program guide" Kondo discloses (abstract and col.12, lines 63-64) that the receiver continuously receives elementary streams that includes program guide information. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 26**, "the method wherein said banner is automatically displayed within a predetermined time period before a current program on said channel ends" Mountain discloses (§10007) that the display for the next program remains on the TV screen for a predetermined period of time.

Regarding **claim 27**, "the method wherein said predetermined time period is selected by a user" Kondo discloses (col.7, lines 25-28) that the future event information displayed in scrolling textual field is controllable by the user to control scroll parameters. In addition, same motivation is used as to reject claim 21.

Regarding **claim 28**, “a television apparatus” reads on the television system that provides next program information (abstract and ¶0008) disclosed by Mountain and represented in Fig. 2A.

As to “apparatus comprising: means for tuning a channel” Mountain discloses (¶0025) that user selects channel to watch.

As to “means for receiving updated program information from a broadcaster while said channel is tuned” Mountain discloses (¶0022) that broadcast data receiver receives and processes television program data (EPG) for the selected channels.

As to “wherein said banner is displayed using said updated program information in response to said determining means determining that said banner is not currently displayed” Mountain discloses (¶0023) that the message display is generated and indicates viewer that a new program can be viewed on the same channel as represented in Figs. 2A-2C.

Mountain meets all the limitations of the claim except “program information is received while channel is tuned.” However, Kondo discloses (col.4, lines 25-40; col.7, lines 59-65) that once a channel has been selected, the current broadcasting information for that channel is received and stored the memory. As to “means for determining if a banner is currently displayed in response to receiving said updated program information” Kondo discloses (col.11, lines 7-9, 52-54) that the system checks to determine if the updated program information

for the current tuned channel is present in transport stream and displays future programming information on the display. As to "said banner is updated using said updated program information in response to said determining means determining that said banner is currently displayed" Kondo discloses (col.7, lines 46-48) that the tuner in receiver constantly receives and refreshes graphic panel for future events with newly received program streams. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 29**, "the television apparatus wherein said banner includes information for a future program on said channel" Mountain discloses (§0008) that the receiver receives data for next program which is about to start as represented in Fig. 2A.

Regarding **claim 30**, "the television apparatus wherein said banner includes at least one of: a title of said future program, a starting time of said future program, and a duration of said future program" Mountain discloses (§0023) that the displaying information provided includes the program title, start time, channel number, etc. as represented in Figs. 2A-2C.



Regarding **claim 31**, "the television apparatus wherein said updated program information is received from said broadcaster without being requested by said television apparatus" Kondo discloses (col.12, lines 42-46) that the system automatically receives and updates program information in the receiver. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 32**, "the television apparatus wherein said updated program information includes an updated electronic program guide" Kondo discloses (abstract and col.12, lines 63-64) that the receiver continuously receives elementary streams that includes program guide information. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 33**, "the television apparatus wherein said banner is automatically displayed within a predetermined time period before a current program on said channel ends" Mountain discloses (§10007) that the display for the next program remains on the TV screen for a predetermined period of time.

Regarding **claim 34**, “the television apparatus wherein said predetermined time period is selected by a user” Kondo discloses (col.7, lines 25-28) that the future event information displayed in scrolling textual field is controllable by the user to control scroll parameters. In addition, same motivation is used as to reject claim 21.

Regarding **claim 35**, “a television apparatus” reads on the television system that provides next program information (abstract and ¶0008) disclosed by Mountain and represented in Fig. 2A.

As to “apparatus comprising: a tuner operative to tune a channel” Mountain discloses (¶0025) that user selects channel to watch.

As to “an input operative to receive updated program information from a broadcaster while said channel is tuned” Mountain discloses (¶0022) that broadcast data receiver receives and processes television program data (EPG) for the selected channels.

As to “wherein said banner is displayed using said updated program information in response to said processor determining that said banner is not currently displayed” Mountain discloses (¶0023) that the message display is generated and indicates viewer that a new program can be viewed on the same channel as represented in Figs. 2A-2C.

Mountain meets all the limitations of the claim except "program information is received while channel is tuned." However, Kondo discloses (col.4, lines 25-40; col.7, lines 59-65) that once a channel has been selected, the current broadcasting information for that channel is received and stored the memory. As to "a processor operative to determine if a banner is currently displayed in response to receipt of said updated program information" Kondo discloses (col.11, lines 7-9, 52-54) that the system checks to determine if the updated program information for the current tuned channel is present in transport stream and displays future programming information on the display. As to "said banner is updated using said updated program information in response to said processor determining that said banner is currently displayed" Kondo discloses (col.7, lines 46-48) that the tuner in receiver constantly receives and refreshes graphic panel for future events with newly received program streams. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 36**, "the television apparatus wherein said banner includes information for a future program on said channel" Mountain discloses (§10008) that the receiver receives data for next program which is about to start as

represented in Fig. 2A.

Regarding **claim 37**, "the television apparatus wherein said banner includes at least one of: a title of said future program, a starting time of said future program, and a duration of said future program" Mountain discloses (§0023) that the displaying information provided includes the program title, start time, channel number, etc. as represented in Figs. 2A-2C.

Regarding **claim 38**, "the television apparatus wherein said updated program information is received from said broadcaster without being requested by said television apparatus" Kondo discloses (col.12, lines 42-46) that the system automatically receives and updates program information in the receiver. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Mountain's system by refreshing graphic panel with updated EPG information as taught by Kondo in order to provide viewer with up-to-minute events schedule information (col.12, lines 46-48).

Regarding **claim 39**, "the television apparatus wherein said banner is automatically displayed within a predetermined time period before a current program on said channel ends" Mountain discloses (§0007) that the display for the next program remains on the TV screen for a predetermined period of time.

Regarding **claim 40**, "the television apparatus wherein said predetermined time period is selected by a user" Kondo discloses (col.7, lines 25-28) that the future event information displayed in scrolling textual field is controllable by the user to control scroll parameters. In addition, same motivation is used as to reject claim 21.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./  
Examiner, Art Unit 2425

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425